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JUL - 6 2005

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMACLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED
IN FORMA PAUPERIS

3:05cv631-F

I, Walter James Avery, being first duly sworn, depose and say that I am the plaintiff in the above-entitled case; that in support of my motion to proceed without being required to prepay fees and costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, that I believe I am entitled to relief.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed?

YES () NO (✓)

A. If the answer is YES, state the amount of your salary or wages per month, and give the name and address of your employer. _____

B. If the answer is NO, state the date of last employment and the amount of the salary and wages per month which you received. June 3rd 2004 - \$500 wkt / 1000-1200 month

2. Have you received within the past 12 months any money from any of the following sources?

A. Business, profession, or form of self-employment?

YES () NO (✓)

B. Rent payments, interest, or dividends?

YES () NO (✓)

C. Pensions, annuities, or life insurance payments?

YES () NO (✓)

D. Gifts or inheritances?

YES () NO (✓)

E. Any other sources?

YES (✓) NO ()

If the answer to any of the above is YES, describe each source of money and state the amount received from each during the past 12 months. received 4 money orders in the amount of \$10.00 each for Commissary and Hygiene.

SCANNED

WJ 7/7/05

3. Do you own cash, or do you have money in a checking/savings account? YES () NO (✓)

If the answer is YES, state the total value of the items owned. _____

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property [excluding ordinary household furnishings and clothing]? YES () NO (✓)

If the answer is YES, describe the property and state its approximate value. _____

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. Daughter

Mother, Sister. I contribute \$1.00 to \$300.00 wk

Walter Avery
Plaintiff

STATE OF ALABAMA
COUNTY OF Lee

Subscribed and sworn to before me on this 29th day of June

199, at Opelika, Alabama.
2005

Hazel Ann Rhodes
NOTARY PUBLIC in and for said County,
in said State

(SEAL)

My commission expires MY COMMISSION EXPIRES SEPT. 29, 2008

OR

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____

Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7-1-05
(date)

Walter Austin
Signature of Affiant

CERTIFICATE

I hereby certify that the plaintiff herein has the sum of \$.01 on account to his credit at the LEE COUNTY DETENTION CENTER institution where he is confined. I further certify that plaintiff likewise has the following securities to his credit according to the records of said institution:

I further certify that he has had the average sum on account at this institution as of the first day of each month of the immediate preceding months (not to exceed six (6) months).

- | | | | |
|-------|-------------|-------------------|--------------------|
| 1. \$ | <u>.01</u> | on the 1st day of | <u>JUNE 05</u> |
| 2. \$ | <u>.01</u> | on the 1st day of | <u>MAY 05</u> |
| 3. \$ | <u>.08</u> | on the 1st day of | <u>APRIL 05</u> |
| 4. \$ | <u>.08</u> | on the 1st day of | <u>MARCH 05</u> |
| 5. \$ | <u>2.41</u> | on the 1st day of | <u>FEBRUARY 05</u> |
| 6. \$ | <u>.11</u> | on the 1st day of | <u>JANUARY 05</u> |

Bobby D. Gable
Authorized Officer of Institution

DATE 6/30/05